IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23132 of 2004

Between:

1 M. Ramesh Babu, S/o. Late M. Venkateswarlu,
Plot No.7 & 8, C/o. N. Veeraiah, H.No. 12-4, Kommadi Junction,

P.M. Palem Post, Visakhapatnam-41
2 Chaprala Venkata Narasaiah, S/o. Late Satyanarayana,
Plot No.1, R/o. Dr. NO. 50-92-15, Santipuram, Prasad Buildings,

Visakhapatnam - 16.
3 K.S. Chandra Sekhar, S/o. Late Dasaradharamaiah,
Plot No.2, Madhurawada, R/o. Visakhapatnam - 16.
4 T. Satya Prasad, S/o. T. Venkata Subba Rao,
Plot No.9, R/o. Dr. NO. 48-8-5, Dwarakanagar. Visakhapatnam
5 N. Sivaji, S/o. N. Appa Rao, Plot No.10, R/o. Visakhapatnam.
6 G. Vijay Kumar, S/o. Late G. Appalanaidu,
Plot No.16, R/o. Flat No.504, A-Block, KSR Complex, Opp: Eenadu

Rythu Bazar, Seetammadhara, Visakhapatnam.
7 Smt. G. Anu Prasanna, W/o. G. Prasanna Kumar,
Plot No.19, R/o. lDr.No.11-5-1, Rockdale Bunglow,
Visakhapatnam-3.
8 G. Rameshkumar Varma, S/o. G. Satyanarayana Raju,
Plot No.20, R/o. Malkapruam Village, Razole Taluq,
East Godavari District.
9 Smt. G. Annapurna, W/o. G. Krishna,
Plot No.23 & 24, R/o. Dik Study Circle, Near Vinayak Temple,
Sripuram, Visakhapatnam
10 Smt. K. Venkata Janaki Devi, W/o. K. Seetaramaraju,
Plot No. 25 & 26, Madhurawada, R/o. Visakhapatnam
11 Smt. J. subhadramma, W/o. J. Prakash Rao,
Plot No.31 & 32, R/o. Bottavanipalem, Kommadi Post,
Visakhapatnam
12 N.S.S.S. Ramachandra Raju, S/o. Atchutaramaraju,
Plot No.33 R/o. Vizianagaram.

13 Smt. N. Maruti Sri, W/o. M. Murali,
Plot No.34, Rep. by its GPA Holder N. Srimannarayana, S/o. Late

Madhavaiah, R/o. Kakaninagar,
NAD Post, Visakhapatnam.
14 G.V. Ramana Rao, S/o. G. Kannaiah,
Plot No. 22 & 27, R/o. Chinna Waltair Municipal Quarters,
Visakhapatnam.

..... PETITIONERS

AND

1 The District Collector, Visakhapatnam.
2 The Mandal Revenue Officer, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to declare the action of the Respondents in attempting to dispossess the Petitioners from their House properties without following due process of law as arbitrary by issuing a Writ, Order or Direction more particularly in the nature of Writ of Mandamus and consequently direct the respondents not to dispossess the petitioners from their respective house plots unless due process of law.

Counsel for the Petitioners: MR.G.RAMA GOPAL

Counsel for the Respondent : GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

Petitioners claim to have purchased plots of land in survey No.29/2 of Madhuravada village. It is also stated that they have constructed houses thereon after obtaining permission from the local authority. The petitioners contend that at a later point of time it emerged that the land purchased by them was an assigned land and in that view of the matter, they submitted representation dated 10.07.2002 to the Joint Collector, Visakhapatnam for regularization of their ownership. They complain that even before the application is considered, the respondents are taking steps to evict them.

Heard learned counsel for the petitioners and learned Government Pleader for Assignment.

The petitioners have purchased the plots in survey No.29/2 from a private individual. They claim to have become aware of the fact that it is an assigned land. They submitted a representation to the Joint Collector. G.O.Ms.No.508, dated 20.10.1995 provides for regularization of purchase of assigned land, subject to the conditions stipulated therein. The question as to whether the petitioners fulfill such conditions or whether their case is capable of being considered under that G.O. has to be examined by the Committee constituted under the same. Once an application is made, taking of any preemptive action would defeat the very purpose of the scheme framed under the G.O.

Hence, the writ petition is disposed of directing that till the application of the petitioners is considered in terms of G.O.Ms.No.508 dated 20.10.1995, they shall not be dispossessed from the plots or houses in their possession. No order as to costs.

14.12.2004

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To

1 The District Collector, Visakhapatnam.
2 The Mandal Revenue Officer, Visakhapatnam.

3 Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, A.P., Hyderabad, (OUT).

4 Two C.D. Copies.